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March 18, 2015

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and ECF FILING

Honorable Sean H. Lane
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Courtroom: 701
New York, NY 10004-1408

Re: In re HS 45 John LLC, Case No. 15-10368-SHL;

Chun Peter Dong, individually and derivatively on behalf of 45 John Lofts LLC,
plaintiff, against Chaim Miller, et al, defendants.
Civil No.: 15-CV-01699

Dear Judge Lane:

We represent plaintiff Chun Peter Dong ("Dong") individually and derivatively on behalf of 45 John Lofts LLC (the "Company") in the above-referenced action (the "Action") which was commenced in the New York Supreme Court in January 2015, removed to the United States District Court for the Southern District of New York on March 6, 2015, and transferred to United States Bankruptcy Court on March 17, 2015.

Prior to removal, the state court (Hon. Shirley Werner Kornreich), following notice to each of the named defendants in the action (including HS 45 John LLC, the debtor herein), and an opportunity to be heard, issued a temporary restraining order on February 25, 2015 restraining certain acts and conduct of the defendants. (The debtor herein was not the subject of the Temporary Restraining Order.)

We are attaching a copy of our March 16 letter to Judge Naomi Reice Buchwald, to whom this Action was assigned prior to the March 17 transfer to the Bankruptcy Court. The letter was also filed by the Debtor as an exhibit to the adversary proceeding complaint filed by the Debtor on March 17, 2015 (see Docket #13 Exhibit 6). Without prejudice to all parties rights and interest, including our client's and specifically without waiving any parties' rights, our hope is that this Court will maintain the *status quo*, imposed by the Honorable Shirley Werner Kornreich, in order to give all parties the opportunity to raise, brief, and be heard with respect to




SILVERMAN SHIN BYRNE & GILCHREST PLLC

Honorable Sean H. Lane
March 18, 2015
Page 2

the many complicated issues raised and to be raised in the removed actions, including but not limited to the removal of the reference back to the United States District Court.

We respectfully request your consideration of the emergency relief we have requested in our letter to Judge Buchwald regarding extension of the Temporary Restraining Order and/or a status conference before this Court regarding this issue prior to March 20, 2015

We appreciate the Court's courtesies with respect to this matter.

Respectfully yours,

Peter R. Silverman

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Encl.

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